

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1-1) and filed an application to proceed *in forma pauperis*.

IT IS THEREFORE ORDERED the Application to Proceed *In Forma Pauperis* (ECF No. 1) is **GRANTED**; no initial partial filing fee toward the full filing fee of three hundred fifty dollars (\$350.00) shall be required. However, even if this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

1 **IT IS FURTHER ORDERED**, pursuant to 28 U.S.C. § 1915(b)(2), that the Nevada Department
2 of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the
3 preceding month's deposits to plaintiff's account (inmate #1027735), in the months that the account
4 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the Court
5 shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall also
6 **SEND** a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department
7 of Corrections, P.O. Box 7011, Carson City, NV 89702.

8 **IT IS FURTHER ORDERED** that the complaint is **DISMISSED WITH PREJUDICE** for
9 failure to comply with the order of the Court and for failing to state a claim upon which relief may be
10 granted. **This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g)** The Clerk shall enter
11 judgment accordingly.

12 DATED this 28th day of January, 2013.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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